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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/812,042         | 03/29/2004             | David Kleinschmidt    | 02103-591001/W44       |

26161  
FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

Note: DRAWINGS NEEDED

|                              |
|------------------------------|
| Docketed By Practice Systems |
| Action Code: Missing prts    |
| Base Date: 6-8-04            |
| Due Date: 8-8-04             |
| Deadline: 1-8-05             |
| Initial: NML                 |

CONFIRMATION NO. 1449



\*DC000000012901839\*

Date Mailed: 06/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

|                               |
|-------------------------------|
| Docketed By Billing Secretary |
| Due Date: 8-8-04              |
| Deadline: 1-8-05              |
| Initials: D                   |

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1, "too dark".

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

07/30/2004 FFANAI2 00000034 10812042


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Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Kleinschmidt, et al.  
Serial No. : 10/812,042  
Filed : March 29, 2004  
Title : HEADPHONING

Art Unit : 3765  
Examiner : Unknown

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed June 8, 2004 (copy enclosed), applicant as a large entity submits herewith the following:

- ☒ Payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration;
- ☒ A check in the total amount of \$130 is attached;
- ☒ A Declaration by the Inventors;
- ☒ Power of Attorney and Election of Assignee to Conduct Prosecution; and
- ☒ Replacement drawings that comply with the size requirements and that are clear and in permanent ink. The replacements contain the same material as the drawings on deposit.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the above address, or being facsimile transmitted to the USPTO, on the date indicated below.

JUL 27 2004

Date of Transmission

Signature

*Charles Hieken*

Charles Hieken


Typed or Printed Name of Person Signing Certificate

Applicant : David Kleinschmidt, et al.  
Serial No. : 10/812,042  
Filed : March 29, 2004  
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Attorney's Docket No.: 02103-591001 / AABOSW44

Respectfully submitted,

Date: JUL 27 2004

  
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Charles Hieken  
Reg. No. 18,411

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

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